

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALLISON RENEE FOX,

Plaintiff,

V.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

) CASE NO. 5:23 CV 580

) **JUDGE DONALD C. NUGENT**

) **Magistrate Judge James E. Grimes Jr.**

) **MEMORANDUM OPINION**

This matter is before the Court on the Report and Recommendation of Magistrate Judge James E. Grimes Jr. (Docket #14) recommending that the Commissioner of Social Security's final determination denying Plaintiff, Allison Renee Fox's Application for Disability Insurance Benefits be affirmed.¹

On October 24, 2023, Plaintiff filed Objections to the Report and Recommendation. (Docket #15.) On October 25, 2023, the Commissioner of Social Security filed a Response to Plaintiff's Objections. (Docket #16.)

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The factual and procedural history of this case, including the ALJ's findings and conclusions, is set forth in the Report and Recommendation at pages 1-12.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable district court standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to the report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b) provides:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The standard of review for a magistrate judge's report and recommendation is distinct from the standard of review for the Commissioner of Social Security's decision regarding benefits. Judicial review of the Commissioner's decision, as reflected in the decisions of the ALJ, is limited to whether the decision is supported by substantial evidence. *See Smith v. Secretary of Health and Human Servs.*, 893 F.2d 106, 108 (6th Cir. 1989). "Substantial evidence exists when a reasonable mind could accept the evidence as adequate to support the challenged conclusion, even if that evidence could support a decision the other way." *Casey v. Secretary of Health and Human Servs.*, 987 F.2d 1230, 1233 (6th Cir. 1993) (citation omitted).

Conclusion

This Court has reviewed the Magistrate Judge's Report and Recommendation *de novo* and has considered the pleadings, transcripts, and filings of the parties, as well as the objections to the Report and Recommendation filed by Plaintiff and the Commissioner's response thereto. After careful evaluation of the record, this Court adopts the findings of fact and conclusions of law of the Magistrate Judge as its own. Magistrate Judge Grimes thoroughly and exhaustively reviewed this case, correctly applied the applicable law, and properly found the ALJ's decision

to be supported by substantial evidence.

Accordingly, the Report and Recommendation of Magistrate Judge James E. Grimes Jr. (Docket #14) is hereby ADOPTED. The Commissioner of Social Security's final determination denying Plaintiff, Allison Renee Fox's Application for Disability Insurance Benefits is hereby AFFIRMED.

This case is hereby TERMINATED.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: November 2, 2023